

Remarks/Arguments

This paper is a reply to Notice of Non-Compliant to the amendment of claims filed September 22, 2006. The Notice noted that the amendment did not list all claims as the claims were not listed in ascending order and claims 16 and 17 are missing from the claims. Applicants note that the issue with the listed claims is that Applicants unfortunately misnumbered the last claim of the listed claims as 18 rather than as what should have been the last claim, i.e., as 16. Thus, the claims were not in ascending sequential order and did not show two claims, i.e., 16 & 17. The instant revised list of claims now renumbers the last claim 18 as claim 16 such that the listed claims are in correct sequential ascending order without missing any claims. In view of the aforesaid Applicants request reconsideration of the Notice of Non-Compliant and its withdrawal.

Upon entry of the foregoing amendments, claims 1-2, 4-5 and 15-16 will be pending in the present patent application.

Claims 3 and 6 to 14 have been canceled, without prejudice.

Claims 1-2 are presently amended, without prejudice.

Claim 1 is specifically amended to the add back the term "independently" at several parts of the claim due to its inadvertent deletion during the prosecution, i.e., subject matter which applicants have a right to claim. See support at page 3, line 15, page 4, lines 6 and 12. Claims 4-5 have been previously amended. Claim 1 is also amended to use consistent designations of moieties therein, i.e., " $-(C_1-C_4)\text{-alkyl}$ " versus " $-(C_1-C_4\text{-alkyl})$ ".

Claim 2 is specifically amended to the add back the term "independently" at several parts of the claim due to its inadvertent deletion during the prosecution, i.e., subject matter which applicants have a right to claim. See support at page 3, line 15, page 4, lines 6 and 12. Claim 2

is also amended to be properly dependently from the claim from which it depends relative to the definition regarding the variable R^4 . Applicants respectfully note that they reserve the right to file applications to the subject matter cancelled from claim 2. Lastly claim 2 is also amended to include an appropriate grammatical presentation regarding how the variable R^5 is designated, i.e., adding the word "is".

Claims 4-5 have been previously amended.

Claims 15-16 are new but are not directed to new matter. In fact claims 15-16 represent a division of the species of now cancelled claim 3 whereby the division is between a grouping of those species wherein an absolute optical configuration is denoted and a grouping of those species wherein an absolute optical configuration is not denoted.

The specification is amended at the noted instance to correctly reflect the number designations for certain compounds. Support for the change of first amendment can be seen in the scheme at the top of page 13 wherein the lactone's correct number designation. Support for the second amendment can be seen in the scheme at the top of page 22 wherein the product's correct number designation is shown.

In view of the foregoing amendments and the following remarks, Applicants submit that the application in condition for allowance and respectfully request action to that end. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-5674.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. **18-1982** in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: November 6, 2006



Raymond S. Parker, III, Ph.D.
Registration No. 34,893
Attorney for Applicants

sanofi-aventis U.S. LLC
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, New Jersey 08807-0800
Telephone: 908-231-5674
Telefax: 908-231-2626
Docket No. **DEAV2002/0063 US NP**